

Nos. 23-1175(L), 23-1222

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

CITY OF PORT ISABEL, et al.,
Petitioners,

v.

FEDERAL ENERGY REGULATORY COMMISSION,
Respondent,

TEXAS LNG BROWNSVILLE LLC,
Respondent-Intervenor.

On Petition for Review of Orders of the Federal Energy Regulatory Commission

**MOTION FOR A 30-DAY EXTENSION OF TIME TO PETITION FOR
REHEARING AND REHEARING EN BANC**

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Intervenor Texas LNG Brownsville LLC (Texas LNG) moves for a 30-day extension of the current deadline for parties to seek rehearing and rehearing en banc. With the requested 30-day extension of time, a petition for rehearing and rehearing en banc would be due October 21, 2024.

Respondent Federal Energy Regulatory Commission (FERC) and Intervenors Rio Grande LNG and Rio Bravo Pipeline Company consent to this motion. Petitioners stated that they oppose this motion.

In support of its motion, Texas LNG states:

1. Petitioners in the above-captioned consolidated cases (Case Nos. 23-1175 and 23-1222) sought judicial review of two final agency actions relating to the Texas LNG Project, *Texas LNG Brownsville LLC*, 183 FERC ¶ 61,047 (April 21, 2023) (Remand Order), and *Texas LNG Brownsville LLC*, 185 FERC ¶ 61,079 (October 27, 2023) (Rehearing Order).
2. On August 6, 2024, this Court issued a single combined opinion granting in part the petitions for review in the above-captioned consolidated cases as well as the petitions for review in two related cases (Case No. 23-1174, consolidated with Case No. 23-1221), which involved challenges to separate final agency actions relating to the Rio Grande Project. Pursuant to Circuit Rules 35 and 40, all petitions for rehearing and rehearing en banc are due September 20, 2024. Texas LNG has not previously sought an

extension of this filing date. On August 21, 2024, Rio Grande filed a request for a 30-day extension of time for all parties, which remains pending. With the requested 30-day extension of time, petitions for rehearing and rehearing en banc will be due October 21, 2024.

3. In light of the issuance of a combined opinion and judgment, the need to ensure that potential filings by intervenors and the government are coordinated, and to clarify that the deadlines are temporally aligned across the dockets (rather than potentially having two different timetables for petitions relating to the same decision), Texas LNG requests a 30-day extension of time for parties to seek rehearing and rehearing en banc in the above-captioned dockets. This request parallels the request made by Rio Grande.

4. The additional time will permit coordination with counsel for Rio Grande, Rio Bravo, and FERC, and will help avoid redundant arguments in the petitions.

5. In addition, undersigned counsel has only recently been retained to serve as a lead counsel representing Texas LNG in this matter. Although undersigned counsel is familiar with this matter based on prior representation of Rio Grande in the related cases, extending the deadline will afford counsel the time needed to become familiar with the distinct record

below that pertains uniquely to Texas LNG, as the agency actions on review in the above-captioned cases involved different Projects, FERC orders, and administrative records, including distinct underlying Environmental Impact Statements.

6. Undersigned counsel has consulted with counsel for FERC, Rio Grande, and Rio Bravo, who all consent to this motion. Petitioners stated that they oppose the request.

CONCLUSION

For the forgoing reasons, this Court should grant the requested 30-day extension of time (to and including October 21, 2024) to petition for rehearing and rehearing en banc in these consolidated cases.

Respectfully submitted,

/s/ Varu Chilakamarri

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August 26, 2024

CERTIFICATE OF COMPLIANCE

This motion complies with the type-volume limitation of Fed. R. App. P. 27(d)(2) because this motion contains 519 words, excluding the parts of the motion exempted by Fed. R. App. P. 32(f). This motion complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type style requirements of Fed. R. App. P. 32(a)(6) because this motion has been prepared in a proportionally spaced typeface using Microsoft Word 365 in Times New Roman 14-point font.

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CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of August 2024, I electronically filed the foregoing with the Clerk of the Court for the U.S. Court of Appeals for the D.C. Circuit using the appellate CM/ECF system and served copies of the foregoing via the Court's CM/ECF system on all ECF-registered counsel.

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